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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,604	05/07/2001	James M. Sewell	048.502U3	8605
30827	7590	11/05/2004	EXAMINER	
MCKENNA LONG & ALDRIDGE LLP			POLLACK, MELVIN H	
1900 K STREET, NW			ART UNIT	
WASHINGTON, DC 20006			PAPER NUMBER	

2145

DATE MAILED: 11/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,604

Applicant(s)

SEWELL ET AL.

Examiner

Melvin H Pollack

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/20/02, 10/8/02</u> . | 6) <input checked="" type="checkbox"/> Other: <u>see attached office action</u> . |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 20 recites the limitation "communication channel" in claim 14. There is insufficient antecedent basis for this limitation in the claim. Neither claim 14 nor any of the base claims mentions a communication channel. The examiner interprets for this action that claim 20 is meant to be dependent upon claim 19.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 5-18, 21-37, 42, 43, 48, 49, 51-58, 60-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wookey (6,023,507) in view of Barroux (6,220,768).
6. For claim 1, Wookey teaches a diagnostic data aggregation and reporting system (abstract) supporting analysis of diagnostic data (col. 1, lines 15-20) from one or more client diagnostic devices (Fig. 1, #105-109), the system comprising:

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- a. A system data store (Fig. 3, #311) that stores diagnostic data (col. 4, lines 45-67);
and
 - b. A server processor (Fig. 1, #101) in communication with the system data store (Fig. 3, #304) and one or more client diagnostic devices (Fig. 1, #120), wherein the server processor:
 - i. Receives a diagnostic data set from a client diagnostic device (Fig. 2, #207), wherein the diagnostic data set represents results from the client diagnostic device running one or more tests on a test item having a test item type (col. 3, line 35 – col. 4, line 17); and
 - ii. Stores the received diagnostic data set in the system data store (col. 4, line 45 – col. 5, line 10).
7. Wookey does not expressly disclose that the server processor generates a report analyzing a subset of data from the system data store; and outputs the generated report. Wookey does disclose the collection of data for the purpose of analysis (col. 2, lines 40-50) and that generated reports are sent (col. 16, lines 5-10). Barroux teaches a method (abstract) of network asset management (col. 1, lines 25-35) using a server processor (Fig. 2, #200) to collect node information and store it within an asset database (col. 3, line 56 – col. 4, line 18) in which the information is used to generate and output reports (col. 4, lines 40-45; Fig. 8, #812). At the time the invention was made, one of ordinary skill in the art would have used Barroux's reporting system in Wookey so as to allow administrators to learn information about connected nodes, i.e. configuration information (col. 1, lines 25-35).

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8. For claim 5, Wookey teaches the one or more system diagnostic devices (Fig. 1, #103), wherein the one or more system diagnostic devices are a subset of the client diagnostic devices in communication with the server processor (col. 3, lines 50-60).

9. For claim 6, Wookey teaches that each of the one or more system diagnostic devices comprises:

a. A testing device that runs one or more tests on a test item having a test item type (col. 3, line 50 – col. 4, line 7); and

b. A diagnostic processor that transmits diagnostic data sets resulting from test runs performed by the testing device to the server processor (col. 4, lines 9 – 16).

10. For claim 7, Wookey teaches that each of the one or more system diagnostic devices further comprises a diagnostic data store that stores diagnostic data sets resulting from test runs performed by the testing device associated with each respective system diagnostic device (Fig. 2, #205).

11. For claim 8, Wookey teaches that the diagnostic processor of each system diagnostic device stores diagnostic data sets resulting from test runs performed by the respective testing device in the respective diagnostic data store (col. 5, lines 5 – 50).

12. For claim 9, Wookey teaches that the testing device of each system diagnostic device stores diagnostic data sets resulting from test runs performed by the respective testing device in the respective diagnostic data store (col. 5, lines 5-50).

13. For claim 10, Wookey teaches that the diagnostic processor of each system diagnostic device monitors the respective diagnostic data store for appearance of a previously untransmitted

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diagnostic data set and, upon appearance, transmits the previously untransmitted diagnostic data set to the server processor (col. 4, lines 15-35; col. 12, line 35 – col. 13, line 10).

14. For claim 11, Wookey teaches each of the one or more system diagnostic devices further comprises a diagnostic display device in communication with the diagnostic processor (Fig. 4) that displays diagnostic data sets resulting from test runs performed by the testing device (Fig. 8).

15. For claim 12, Wookey teaches that the diagnostic processor displays via the diagnostic display device a standardized interface for controlling the testing device, wherein the standardized interface is based upon the test item type of a particular item being tested (col. 13, lines 30-40).

16. For claim 13, Wookey teaches that the standardized interface is not based upon the testing device (col. 8, lines 30-41).

17. For claim 14, Wookey teaches that the standardized interface is further based upon a particular malfunction associated with the particular item being tested (col. 4, lines 35-45).

18. For claim 15, the diagnostic processor generates the standardized interface for display by communicating the test item type to the server processor, wherein the server processor upon receipt of the test item type creates the standardized interface and communicates the created standardized interface and wherein the diagnostic processor receives the created standardized interface.

19. For claim 16, Wookey teaches that the one or more system diagnostic devices are in intermittent communication with the server processor (Fig. 3, #304).

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20. For claim 17, Wookey teaches that the server processor initiates intermittent communication with at least one of the one or more system diagnostic devices (col. 4, lines 11-12).

21. For claim 18, Wookey teaches that one of the one or more system diagnostic devices initiates intermittent communication with the server processor (col. 4, lines 12-13).

22. For claim 21, Wookey teaches a script data store (col. 4, lines 65-67) that stores at least one script containing instructions for use by client diagnostic devices for running tests (col. 7, line 60 – col. 8, line 15).

23. For claim 22, Wookey teaches that the script data store is in communication with the server processor (Fig. 3) and wherein the server processor communicates a script from the script data store to a selected subset of the one or more client diagnostic devices (col. 8, lines 30-40; col. 11, lines 20-30).

24. For claim 23, Wookey teaches that the server processor receives one or more scripts from one or more diagnostic device manufacturers (col. 4, lines 60-67) and stores the received scripts in the script data store (col. 6, lines 5-15).

25. For claim 24, Wookey teaches that the server processor communicates at least one script on a periodic basis (col. 13, lines 5-10).

26. For claim 25, Wookey teaches that the server processor communicates a selected script from the script data store (col. 13, lines 30-55) to a particular client diagnostic device from among the client diagnostic devices (Fig. 8).

27. For claim 26, Wookey teaches that the server processor creates a new script for communication to a selected subset of the one or more client diagnostic devices (col. 8, lines 60-

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62), wherein the server processor creates the new script based upon a subset of diagnostic data in the system data store relevant to the selected subset of the one or more client diagnostic devices and an existing script in the script data store (col. 13, line 50 – col. 15, line 20, in view of Table 1).

28. For claim 27, Wookey teaches that the server processor stores the created new script in the script data store (col. 15, lines 1-5).

29. For claim 28, Wookey teaches a script processor in communication with the script data store and one or more script-client diagnostic devices; and wherein the script processor communicates a script from the script data store to a selected subset of the script-client diagnostic devices (Fig. 3, #313).

30. Claim 29 is drawn to the limitations in claim 26. Therefore, since claim 26 is rejected, claim 29 is also rejected for the reasons above.

31. For claim 30, Wookey teaches that the system data store comprises a script data store that stores at least one script containing instructions for use by diagnostic devices for running tests (Fig. 3, #309).

32. Claims 31-34 are drawn to the limitations in claims 22, 28, 29, and 26, respectively. Therefore, since claims 22, 26, 28, and 29 are rejected, claims 31-34 are also rejected for the reasons above.

33. For claim 35, Wookey teaches that the server processor polls one or more of the client diagnostic devices for new diagnostic data sets (col. 13, lines 10-30).

34. For claim 36, Wookey teaches that the server polls one or more of the client diagnostic devices on a periodic basis (col. 11, lines 20-25).

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35. For claim 37, Wookey does not expressly disclose that the server processor receives a request for a report and selectively polls one or more of the client diagnostic devices based upon the received request prior to generating the report. Barroux teaches this limitation (col. 14, lines 50-60). At the time the invention was made, one of ordinary skill in the art would have added these features to Wookey in order to improve the details of report generation (col. 4, lines 40-50).

36. For claim 42, Wookey does not expressly disclose that the server processor receives a request for a report, but does disclose the gathering and indexing of information, as shown above. Barroux teaches this limitation (col. 4, lines 40-45; Fig. 8, #812). At the time the invention was made, one of ordinary skill in the art would have used Barroux's reporting system in Wookey so as to allow administrators to learn information about connected nodes, i.e. configuration information (col. 1, lines 25-35).

37. For claim 43, Wookey teaches that the received request comprises at least one criterion selected from the group consisting of item type, malfunction type, diagnostic device type, item manufacturer and specific test performed (col. 5, lines 8 – 50).

38. For claim 48, Wookey teaches that the server processor outputs the generated report to an end user display device (Fig. 8).

39. For claim 49, Wookey teaches that the end user display device is selected from the group consisting of a printer, an end user computer, and a selected client diagnostic device (col. 8, lines 30-45).

40. For claim 51, Wookey teaches that the one or more client diagnostic devices comprises a plurality of diagnostic devices (Fig. 5).

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41. Claims 52-58 and 60-62 are drawn to a software system that implements the method drawn in claims 1, 21, 37, 26, 27, 35, 48, 43, and 51, respectively. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claims 1, 21, 26, 27, 35, 37, 43, 48, and 51 are rejected, claims 52-58 and 60-62 are also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

42. Claim 63 is drawn to the limitations in claims 1, 26, and 27. Therefore, since claims 1, 26, and 27 are rejected, claim 63 is also rejected for the reasons above.

43. Claim 64 is drawn to a software system that implements the method drawn in claims 1 and 10. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claims 1 and 10 are rejected, claim 64 is also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

44. Claims 65-68 are drawn to a software system that implements the method drawn in claims 23, 12, 13, and 15, respectively. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claims 12, 13, 15, and 23 are rejected, claims 65-68 are also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

45. Claims 2, 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wookey and Barroux as applied to claim 1 above, and further in view of Fanshier et al. (5,751,962) and Ploetz et al. (6,738,798).

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46. For claim 2, Wookey teaches that the system data store has an architecture selected from the group consisting of flat file, hash table, database, and combinations thereof. That is, Wookey teaches the data store is a database (col. 4, line 65), but does not expressly disclose the other items. Ploetz teaches a method (abstract) of collecting operational data from remote medical devices (col. 1, lines 5-10) and using a flat-file storage (col. 7, lines 39-40). Fanshier teaches a method (abstract) of performing object-oriented network management (col. 1, lines 15-20) that stores data within hash tables and other structures (col. 6, lines 15-20). At the time the invention was made, one of ordinary skill in the art would have used a choice of data structures in Wookey for administrator preference and to allow viewers to have the data in a preferred format (Wookey, col. 2, lines 45-50).

47. For claim 3, Wookey teaches that the system data store has a database architecture (Fig. 3, #311).

48. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wookey, Barroux, Fanshier, and Ploetz as applied to claims 1-3 above, and further in view of Barnett et al. (6,636,981) and Landeck et al. (6,782,394).

49. For claim 4, the above teachings expressly disclose that the database architecture has an organization selected from the group consisting of object-oriented (Fanshier, col. 1, lines 34-55), relational (Wookey, col. 4, lines 59-60), spatial, hierarchical (Barroux, col. 5, lines 10-15), object-relational and combinations thereof. However, Wookey, Barroux, Fanshier, and Ploetz do not expressly disclose spatial or object-relational methods. Barnett teaches a method (abstract) for computer network managing (col. 1, lines 10-12) with a spatial architecture (col. 6, lines 54-

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60). Landeck teaches a method (abstract) of combining object databases and relational database systems (col. 1, lines 10-15) that teaches usage of an object-relational database system (col. 3, lines 63-64). At the time the invention was made, one of ordinary skill in the art would have used a choice of data structures in Wookey for administrator preference and to allow viewers to have the data in a preferred format (Wookey; col. 2, lines 45-50).

50. Claims 19, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wookey and Barroux as applied to claims 1, 5 above, and further in view of Todd et al. (5,867,714) and Humpleman et al. (6,801,507).

51. For claim 19, Wookey teaches that each system diagnostic device communicates with the server processor via a communication channel (Fig. 1) selected from the group consisting of computer network (col. 3, lines 44-47), direct serial or parallel connection, dial-up connection (col. 3, lines 44-47), wireless connection (col. 3, lines 44-47) and bus connection. Wookey does not expressly disclose that the communication channel can be a serial, parallel or bus connection. Humpleman teaches a method (abstract) of configuring and monitoring home network devices (col. 2, lines 62 – col. 3, line 40) in which the communication link may be a bus, i.e. a serial bus (col. 4, lines 30-40). Todd teaches a method (abstract) of configuration detection (col. 6, lines 50-55) through parallel port communication (col. 8, line 25). At the time the invention was made, one of ordinary skill in the art would have used a choice of data structures in Wookey for administrator preference and to provide the capacity to handle multiple network types such as home networks w/Firewire capability (Humpleman, col. 4, lines 40-50).

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52. For claim 20, Wookey teaches that the communication channel is the Internet (col. 4, line 14).

53. Claims 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wookey and Barroux and Todd and Humpleman as applied to claims 1, 5, 19 and 20 above, and further in view of Andrew (6,681,344).

54. For claim 38, Wookey and Barroux do not expressly disclose the format of the diagnostic data set. Humpleman teaches that the server processor receives the diagnostic data set in a format selected from the group consisting of XML, SGML, HTML, and combinations thereof (col. 5, lines 5-15; col. 8, line 60 – col. 9, line 5), but does not expressly disclose the usage of XSL. Andrew teaches a method (abstract) of computer problem diagnosis (col. 1, lines 5-10) utilizing XML (col. 2, line 35). At the time the invention was made, one of ordinary skill in the art would have used these cited teachings within Wookey and Barroux in order to learn how to implement the data format of the device and to provide features such as simplified diagnosis through pattern matching (col. 2, lines 54-60).

55. Claims 39 and 40 are drawn to the limitations in claims 19 and 20. Therefore, since claims 19 and 20 are rejected, claims 39 and 40 are also rejected for the reasons above.

56. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wookey and Barroux as applied to claim 1 above, and further in view of Humpleman and Ilsen et al. (6,757,898).

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57. For claim 41, Wookey does not expressly disclose the communication protocol used by the devices. Barroux teaches that the server processor communicates with each client diagnostic device via a communication protocol of SMTP (col. 15, line 1), but does not expressly disclose that the protocol is selected from the group consisting of HTTP, HTTPS, and FTP. Humpleman teaches the use of HTTP (col. 7, lines 5-25). Ilsen teaches a method (abstract) of communications (col. 1, lines 5-15) using HTTP or HTTPS (col. 27, lines 62-63). At the time the invention was made, one of ordinary skill in the art would have added these functions to Wookey in order to learn the implementation of a protocol and to provide functionality such as extracting information from UNIX systems (Barroux, col. 15, lines 54-56), and usage of multiple devices (Humpleman, col. 7, line 14).

58. Claim 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wookey and Barroux as applied to claim 1 above, and further in view of Chandra (6,397,359).

59. For claim 44, Wookey and Barroux do not expressly disclose that the server processor generates reports on a periodic basis. Chandra teaches a method (abstract) of network device testing (col. 1, lines 5-10) that allows periodic report generation (col. 10, lines 45-50). At the time the invention was made, one of ordinary skill in the art would have used the process in Wookey and Barroux in order to provide administrators with newly acquired data (col. 17, line 35 – col. 18, line 35).

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60. Claims 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wookey and Barroux as applied to claim 1 above, and further in view of Andrew as applied above, and Ploetz as applied above.

61. For claim 45, Wookey does not expressly disclose that the test item type is selected from the group consisting of hand-held electronic devices, medical devices and networking communications devices. Indeed, Wookey does not expressly disclose the test item types or the possible embodiments for the master and slave devices (Fig. 5 and 6). Andrew teaches the usage of similar methods for hand-held electronic devices (col. 13, line 6). Ploetz teaches the monitoring of medical devices (col. 3, lines 10-20). At the time the invention was made, one of ordinary skill in the art would have used the teachings to determine the types of devices that Wookey may monitor and to adapt Wookey to a variety of known situations.

62. For claim 46, Wookey and Barroux do not expressly disclose that the test item type is a type of hand-held electronic devices selected from the group consisting of mobile telephones, personal data assistants, and pagers. Andrew teaches this limitation (col. 14, lines 40-42). At the time the invention was made, one of ordinary skill in the art would have used Andrew to learn the implementation of Wookey's wireless networks, as shown above.

63. For claim 47, Barroux teaches that the test item type is a type of networking communications devices selected from the group consisting of switches, routers, modems, and broadband communication enabling devices (col. 15, lines 55-60).

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64. Claims 50, 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wookey and Barroux as applied to claim 1 above, and further in view of Jensen et al. (5,446,677) and Todd as applied above and Ilsen as applied above.

65. For claim 50, Wookey teaches that the server processor outputs the generated report to a post-processing environment selected from the group consisting of a database application (Fig. 3) and a test script development environment (col. 14, lines 30-45), but does not expressly disclose that the server processor outputs the generated report to a post-processing environment selected from the group consisting of a spreadsheet application, a warranty claim processing environment, a warranty analysis processing environment and an insurance claim processing environment. Jensen teaches a method (abstract) of a diagnostic system (col. 1, lines 15-20) that teaches using a spreadsheet (col. 8, lines 20-25). Todd teaches the usage of such information in warranty applications (col. 12, lines 60-65). Ilsen teaches the usage of such information in insurance claim applications (col. 14, lines 15-25). At the time the invention was made, one of ordinary skill in the art would have used these well-known systems to provide methods of analysis (Jensen, col. 8, lines 23-25) and to allow the system to be used in various environments (Ilsen, col. 14, lines 15-25).

66. Claim 59 is drawn to a software system that implements the method drawn in claim 50. It is well known in the art that a system implementation is functionally equivalent to the underlying method. Therefore, since claim 50 is rejected, claim 59 is also rejected for the reasons above. A teaching that shows the functional equivalence will be included upon request.

Conclusion

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67. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

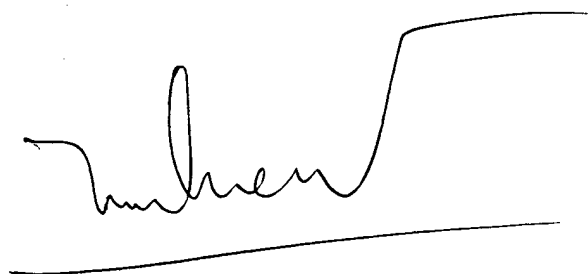
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H Pollack whose telephone number is (571) 272-3887.

The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP
29 October 2004

A handwritten signature in black ink, appearing to read 'Le Hien Luu', is written over a horizontal line.

LE HIEN LUU
PRIMARY EXAMINER